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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/560,592	02/08/2006	Lasse Kragelund	66722-083-7	9167

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DYKEMA GOSSETT PLLC
FRANKLIN SQUARE, THIRD FLOOR WEST
1300 I STREET, NW
WASHINGTON, DC 20005

EXAMINER

LE, HUYEN D

ART UNIT	PAPER NUMBER
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2615

MAIL DATE	DELIVERY MODE
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08/23/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/560,592	KRAGELUND, LASSE	
	Examiner	Art Unit	
	HUYEN D. LE	2615	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 May 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Batting (WO 02/51203).

Regarding claims 1 and 7, Batting teaches a hearing aid device and an electrical and mechanical connection between a head worn communication device or the hearing aid device (1, 2, 3, 4) and an accessory (5). Batting further teaches the communication device (1, 2, 3, 4) that has a battery and a battery lid (4, figure 2, page 4, lines 30 and 31). As shown in figures 1-3, the mechanical connection means and electrical connection points at the communication device and the accessory are placed at the surface parts as claimed such that one sliding action between the surface part of the communication device and the surface part of the accessory will cause the respective mechanical means to grip each other while at the same time the respective electrical connection points gain contact with each other (also see page 5, lines 9-16).

Regarding claim 2, Batting shows the connection means that comprise a protrusion and a complementary cut out region at the respective surfaces of the communication device and the accessory as claimed (figures 2-3).

Art Unit: 2615

Regarding claim 3, Batting shows the protrusion that has a wide part spaced from a surface, and a free space (6) that is arranged at a complementary surface behind the cut out region for accepting the wide part of the protrusion (figures 2-3).

Regarding claims 4 and 7, Batting shows the battery lid (4) that has a shoulder operative to prevent the release of the accessory from the communication device when the battery lid is in the closed position as claimed (figure 3).

Regarding claims 5 and 8, the battery lid of Batting is child proof since the battery lid (4) is securely connected to the communication device and the accessory (see figure 4 and page 3, lines 16-23 and page 7, lines 28-32).

Regarding claims 6 and 9, as shown in figure 3, the connection means between the communication device and the accessory comprises a friction lock such that the accessory will stay with the communication device when the battery lid is open.

Regarding claim 10, Batting shows the battery lid as claimed (figures 2, 3).

Regarding claim 11, Batting shows the connection means that are arranged at a back end surface of the hearing aid as claimed (figures 1, 2, 3).

Response to Arguments

3. Applicant's arguments filed 5/24/07 have been fully considered but they are not persuasive.

Responding to the arguments about the Batting reference, the Applicant should note that Batting does teach and show the mechanical and the electrical connection parts at the communication device (1, 2, 3, 4) and the accessory (5) as claimed. As shown in figures 2 and 3,

Art Unit: 2615

the mechanical and the electrical connection parts at the communication device (1, 2, 3, 4) and the accessory (5) are place at the surface parts adjacent to the battery lid (4) such that one sliding action between the surface part of the communication device and the surface part of the accessory will cause the respective mechanical connection means to grip each other while at the same time the respective electrical connection points contact with each other as claimed (also see the text for the contact elements of the communication device and the accessory on page 5, lines 12-16).

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Art Unit: 2615

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HUYEN D. LE whose telephone number is (571) 272-7502. The examiner can normally be reached on 9:30AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, SINH TRAN can be reached on (571) 272-7564. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



HL
August 18, 2007



HUYEN LE
PRIMARY EXAMINER